UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION DOCKET NO. 3:11-cr-00135-MOC-DCK

UNITED STATES OF AMERICA,)	
)	
)	
)	
Vs.)	ORDER
)	
NICHOLAS T. COX,)	
)	
Defendant(s).)	

THIS MATTER is before the court on the government's Motion to Consolidate.

Defendant has filed a response, objecting to consolidation and arguing that reassignment of this matter for purposes of sentencing would invalidate the plea agreement as counsel advised defendant of the sentencing practices of this court during plea negotiations. While the court does not agree that a change in judge would invalidate the plea - - as no one has the right to enter a plea and be sentenced before any particular judge - - there is no compelling reason to transfer this matter to another judge as this court now has before it the decision made in the transferee case, which was sentenced January 7, 2013. The Clerk of Court has been instructed to place this matter on the next sentencing calendar.

ORDER

IT IS, THEREFORE, ORDERED that the government's Motion to Consolidate (#27) is **DENIED**.

Signed: January 25, 2013

Max O. Cogburn Jr. United States District Judge